

# EXHIBIT 13

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## Q+A regarding Star Control and Paul and Fred

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Reply #251

**Jafo**

Join Date 03/2001



Astrobia ....why am I being quoted?

I'm the last person who sees any logic in any of this armchair lawyering/discussion. There are people on various forum threads who clearly suffer from ADHD and/or OCD and are analyzing everything to death.

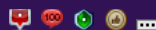


+12

Reply #252

**Astrobia**

Join Date 11/2006







May 5, 2018 7:50:28 PM from


Quoting Jafo, reply 251



Astrobia ....why am I being quoted?

I'm the last person who sees any logic in any of this armchair lawyering/discussion. There are people on various forum threads who clearly suffer from ADHD and/or OCD and are analyzing everything to death.


know. That is why you are being quoted. I'm agreeing with




Man... What does it say about this thread that it puts people in the mindset that anyone responding to your position is attacking it?



**Jafo**  
 Join Date 03/2001  
  



+1153  
 Reply #253  
 May 5, 2018 8:16:04 PM from


Quoting Astrobia, reply 252

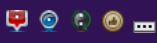
Man... What does it say about this thread that it puts people in the mindset that anyone responding to your position is attacking it?

Exactly... 🙄

I can't see any real logic behind wasting what little time we all have on the planet in frivolous pursuit of a topic that has essentially zero impact on just about everyone on the planet... 🙄







**Starknir**  
 Join Date 04/2007  


+7  
 Reply #254  
 May 5, 2018 8:48:55 PM from

I have to admit I'm getting tired of seeing Elestan post here. I thought you made a separate thread to vent your anxiety over UQM by grasping after everything and anything that assuages your fears? I don't really know what your involvement is with UQM, but let me say this: UQM was never yours or anyone else's in that fan community. It has always been something that existed at the suffrage of the trademark holder. Whatever benefits you see yourself deriving from the project are nonexistent. If you think it will somehow be beneficial to your career, it won't be in any direct way. Take whatever knowledge, ideas, or lessons from that project and go do something on your own. Create your own brilliant game and let that be your path forward. Don't be like another poor soul who didn't move forward and suffered as a result.

As Astrobia put earlier, let's just wait until the courts decide what the outcome is. All this arm-chair lawyering BS is frankly irritating, because as the one actual lawyer that was posting mentioned, you have no skills in this arena and even if you did, you do not have all the information to make informed conjectures or debates. So if you want to continue your biased dialogue, do it in the thread you dedicated to it. Honestly I think your time is much better spent thinking of a project you can call your own instead of clinging to someone else's work that only leads to a dead end. Also, given that game making is a small industry, if that's your calling, it really doesn't behoove you to piss off the CEO of a game company, no matter what your views on this issue are.



**bleybourne**  
 Join Date 10/2016  


+56

Reply #255

STAR CONTROL



May 6, 2018 9:15:01 PM from

Elestan,

The public attacks (#2) that you so blithely pass off as "they never intended to hurt you personally" include when they had their PR firm personally call Brad a thief and a liar. By name.

That's the bullshit that broke the camel's back for me with P&F. They lost any and all respect that day. Screw those guys.

**GMOrz**

Join Date 12/2012

+5

Reply #256

May 7, 2018 11:08:24 PM from

Quoting Frogboy, reply 230

You've seen this copyright? Can you share it? What story in particular? Do you have a link to this story that has copyright protection? You clearly have access to documents the rest of us don't have. Feel free to share them.

The lengths you will go to interpret things to fit your biases Elestan are quite astounding to me.

p. 62: The Reiche Intellectual Property shall include proprietary rights in and to any source code, names (of starships and alien races), characters,

- Addendum no. 3 to license agreement (<https://www.documentcloud.org/documents/4385486-2635-000-P-2018-02-22-17-Counterclaim.html>)

Maybe Elestan is mistaken on "copyright" being the right word, but there's a contract acknowledging Reiche's "proprietary rights" to the plot line.

**bleybourne**

Join Date 10/2016

+56

Reply #257

May 8, 2018 12:04:08 AM from


Quoting GMOrz, reply 256

Maybe Elestan is mistaken on "copyright" being the right word, but there's a contract acknowledging Reiche's "proprietary rights" to the plot line.

You can't copyright things like "plot lines", that's ridiculous. Saying it in a contract doesn't make it legal or valid. If anything, it calls the whole contract into dispute.

I could sign a contract saying that I'm your personal slave for life, but it's unenforceable. And so is copyrighting (or whatever other word you want to assign to it) elements of stories. You're saying I can never make a story about a farmboy who saves the galaxy because George Lucas copyrighted Luke Skywalker.


**Elestan**



STAR CONTROL

Join Date 05/2008

+18




Reply #258

May 10, 2018 11:14:57 PM from

The nice thing about taking a relaxing, mostly-unplugged vacation is that you can forget all about legal arguments on assorted internet forums.

The downside is that when you return, there are a bunch of posts that you have to decide whether or not to respond to.


In this case, since there's been a **fresh thread** made for litigation discussion, I'm going to hold back from restarting debates in this one, and suggest that others do the same unless it's directly related to the Q&A. If anyone wants a reply from me, feel free to repost there.



Frogboy

Join Date 03/2001

+1967



Reply #259

May 11, 2018 12:38:09 AM from

This is long but this should walk readers through why Paul and Fred are categorically mistaken in what they think they "own" as well as the repercussions of their actions.

Fundamentally, the community is split on this issue which is not a good thing.

I also want to reiterate that when PF announced Ghosts we tried to be supportive. I made many posts trying to support it and we were very open to the idea of more games in the Star Control multiverse — provided that the parties understand that Stardock owns Star Control and how it is used.

I've seen a lot of posts that don't recognize the asymmetry of the dispute.

On the one hand, PF fans focus a lot on the copyright dispute and whether the 1988 agreement is in effect or not. Stardock's complaint doesn't touch on that because the IP in SC2 is messy (lots of creators).

If the 1988 agreement expired, it means the old games can't be distributed, the total amount collected from Steam is around \$10,000 of which PF were sent royalties for. If the 1988 agreement expired, they could argue that up to the remainder of the \$10k would be owed to them. There are no statutory damages involved because they had no federal copyright at the time they claim infringement began (and you can't do it retroactively). And if it expired, that would be counter to the Impression PF gave in 2013.

In any event, it seems petty to me for them to have spent months calling me, personally, a thief. Hiring a PR agency to issue a press release calling me a thief and doing a media tour attacking us was not helpful to them as it has made it much harder to find a win-win.

Simply put, if PF had shared with us the Atari GOG email chain they posted in March back at the start we wouldn't have put the games on Steam. This is not an admission that we believe the agreement has expired but simply recognition that the issue was murky enough not to bother with given how miniscule the sales of 25 year old games are.

On the other hand, their actions have caused a great deal of confusion. The UQM forums and Reddit are rich sources of examples. They literally promoted their game as the true sequel to Star Control at the same time we were releasing the open beta of the new Star Control game. And they knew before hand our dates and plans.

We have a valid federal trademark for Star Control which means there are statutory damages. We don't have to "prove" anything regarding its validity because it is already assumed valid. It was in active use, explicitly, by Atari and acknowledged by PF to be in use by Atari, at the time we acquired the Star Control IP in connection with the classic games (for example, GOG).

We are confident that we will be able to show that the confusion they have generated has cost us several percent losses in sales which translates to millions of dollars in revenue.

Paul and Fred have no rights to Star Control beyond what specific copyrights (common law or otherwise) they can show to hold. This might include DOS source code, alien paintings, ships (maybe, if 32x32 pixel ships can be covered). So far, we've seen no evidence to support any of the above.

Their one copyright, filed a couple months ago, has none of this in it. I made the user manual.



You cannot copyright a name. For instance, nothing would stop Elestan from making a game with Spathi in it except possibly a trademark claim if it created a false association with Star Control OR copyright if the art used to express them was substantially similar to the Spathi depicted in Star Control 2. You cannot cooyright a description ("they're cowards") and there is not nearly enough development to protect any of them, even Fwiffo, as a character (James Bond, Rocky, etc. have enough development to gain such protection but that is a massive gulf).

Future Star Control games will have the classic Star Control aliens in them. For years, our position was that we would not use the classic Star Control aliens. I've even previously said that PF had common law copyrights on them (because like most people here, I believed their claims).

We held this position because PF asked us not to and said they wanted to continue their story and we wanted that too. But it was always assumed that even if they wanted to work on it themselves, they'd do so as an authorized Star Control game. When they made it obvious that they didn't believe we have rights to the Star Control aliens (not just what they might have copyrights to but even the names) we had no choice but to defend our rights.

Only the most unreasonable person would argue that Star acontrol games can't have Star Control aliens simply because an independent contractor of Accolade's claims rights to names he may or may not of randomly generated 28 years ago. Sorry, I can admire someone's work without instilling upon him extralegal rights.

Someone might argue that PF "created" the Orz but the evidence actually doesn't indicate they did. However, even if they had, it was as an independent contractor for Accolade and all they would have is any copyright over the expression of the Orz. It wouldn't prevent Accolade (or us) from having Orz in our game, it would only prevent a derivative of that artistic expression of the Orz.

This is why conversations on games can't be compared to a book. A game is made up of many many different types of IP. Art, music, source code, the manual. Those are the primary assets that can have a copyright. Ideas, concepts, names, game designs, themes, plots, descriptions, timelines, recipes, cannot be copyrighted.

I want to apologize to the community that any of this has happened. It won't affect the development of the new Star Control games and you can still play Ur-Quan Masters for free. We will do all we can to ensure that both Star Control: Origins and the classic DOS game timeline stories are able to coexist and evolve in a way that satisfies the fans.



wibblenz



+2

Reply #260

May 11, 2018 2:55:22 AM from

Since this is a Q&A after all:

I can only find references to, and remedies for, use of a trademark itself. How can trademark law be used to protect something other than the mark?

How can you satisfy fans with 'substantially dissimilar' aliens (see also Star Control 3)? I can only speak for myself, but I would like to see P&F's (or Greg's if you prefer) Orz, or no Orz.



+1967

Reply #261

May 11, 2018 7:56:42 AM from

Frogboy

Join Date 03/2001



Quoting wibblenz, reply 260

Since this is a Q&A after all:

I can only find references to, and remedies for, use of a trademark itself. How can trademark law be used to protect something other than the



mark?

STAR CONTROL

How can you satisfy fans with 'substantially dissimilar' aliens (see also Star Control 3)? I can only speak for myself, but I would like to see P&F's (or Greg's if you prefer) Orz, or no Orz.

Trademarks exist to identify certain goods as originating with a specific word or symbol.

Trademarks protect against confusion and unfair competition. If another party engages in activity that is likely to create confusion that their product is related to your product that is trademark infringement. This can be due to a similar name of the product (or someone literally using your trademark to state their product is related your mark) or because elements of that product are strongly associated with your mark. If a game came out with the Ur-Quan, Spathi, Orz, would there be likely confusion into believing that game was related to Star Control? If yes, that's infringement.

As for Orz or Spathi designs that would satisfy fans, I'd argue that the Orz and Spathi in Star Control 3 were not similar enough to be considered substantially similar and I sure don't remember fans arguing that they weren't the Orz or Spathi. Just like in other games, whether that be Ultima or Master of Orion each version comes with their own artistic expression.

In Star Control: Origins, the Arilou have a cameo. The Arilou are inspired by the little green men trope. The Arilou in Star Control 3 were substantially different from the Arilou in SC2 (or Origins).

Most fans are pretty tolerant of artistic changes in games or movies (within reason). The Klingons in Star Trek or the aliens in GalCiv have evolved over time based on the art leads and their particular vision.



wibblenz

Join Date 10/2008

+2

Reply #262

May 11, 2018 7:14:02 PM from

Quoting wibblenz, reply 261

This can be ... because elements of that product are strongly associated with your mark.

Can you suggest any further reading on this particular aspect? I can find plenty of information on the similarity of marks themselves causing confusion, but nothing on the association of the elements of a product with a mark doing the same. Confusion within the product seems to be the domain of copyright (and/or patent). When neither copyright or patent are relevant, identical products seem to be perfectly acceptable to trademark law (e.g. bottled water).



Frogboy

Join Date 03/2001



+1967

Reply #263

May 11, 2018 7:39:28 PM from

Quoting wibblenz, reply 262

Quoting Frogboy, reply 261

This can be ... because elements of that product are strongly associated with your mark.

Can you suggest any further reading on this particular aspect? I can find plenty of information on the similarity of marks themselves causing confusion, but nothing on the association of the elements of a product with a mark doing the same. Confusion within the product seems to be

the domain of copyright (and/or patent). When neither copyright or patent are relevant, identical products seem to be perfectly acceptable to trademark law (e.g. bottled water).

You could talk to an IP lawyer I suppose.

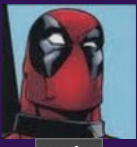
If you made a game that included the Klingons, Romulans and Ferengi, what do you think would happen? Assume you were simply using the names.

Broadly speaking, trademark exists to protect consumers from confusion as to the origin of goods and services.

If I made a game with the Federation, Klingons and Romulans (no art, just those names) would there be a likelihood of confusion that that my game had some relationship with Star Trek? If the answer is yes, then that would violate the Star Trek trademark.

You can read up on this:

<https://www.trademark.iastate.edu/basics>



**Lakstoties**

Join Date 11/2010



Reply #264

May 11, 2018 9:52:37 PM from

Quoting Frogboy, reply 263

If you made a game that included the Klingons, Romulans and Ferengi, what do you think would happen? Assume you were simply using the

The present owners of the Star Trek copyright would probably investigate it for copyright violations. And do checks for similarities. I'm still looking for the exact literature, but it seems when comes to copyright "names" is in reference to names of people and factual items. (Hence, how you can't copyright facts.) But, if the term is used as a new, unique expression of an idea, there can be copyright protections upon it, within the right context. Although chances are a Cease and Desist would get lobbed by Paramount and most on the receiving end would run.

Even Axanar lawsuit was a COPYRIGHT case.

If I made a game with the Federation, Klingons and Romulans (no art, just those names) would there be a likelihood of confusion that that my game had some relationship with Star Trek? If the answer is yes, then that would violate the Star Trek trademark.


You can read up on this:


<https://www.trademark.iastate.edu/basics>


I have to disagree. Reading what you have presented, there's nothing that states what you are stating in that elements unrelated to the trademark itself can violate the trademark. Trademarks are marks upon a good or service in trade that identify the origin. That's it. If the possible product you mentioned does not represent itself as a "Star Trek" game or attempt to immitate the "Star Trek" mark, then there is no violation of the "Star Trek" trademark. Trademarks cover the label of product... NOT the contents. That's copyright territory.

So, in theory, you can have a game with Federation, Klingons, and Romulans, so long the similarity of their use to the copyrighted Star Trek material is not enough to be considered derivative. If they are used inside and never used as the labeling or marking of the product, or misrepresentation, no trademark is violated. (USPTO has trademark registrations for a lot of the Star Trek games when it comes to Federation, Klingons, Romulans for specific uses in context of those products.)







**Frogboy**  
 4 stars  
 Join Date 03/2001  
  


 +1967  
 Reply #265  
 May 12, 2018 12:04:00 AM from

Quoting Lakstoties, reply 264

The present owners of the Star Trek copyright would probably investigate it for copyright violations.

You cannot copyright a word. Hence "Assume you were simply using the names."

Even Axanar lawsuit was a COPYRIGHT case.

Because they used the Klingon language in it as well as copyrighted visuals (they literally had Klingon D7s in there).

I have to disagree. Reading what you have presented, there's nothing that states what you are stating in that elements unrelated to the trademark itself can violate the trademark. Trademarks are marks upon a good or service in trade that identity the origin. That's it. If the possible product you mentioned does not represent itself as a "Star Trek" game or attempt to immitate the "Star Trek" mark, then there is no violation of the "Star Trek" trademark. Trademarks cover the label of product... NOT the contents. That's copyright territory.

You are misunderstanding the basics of trademark.

Trademarks protect against unfair competition and false designation of origin. If your game had Klingons and Romulans in them, just the names, it would be trademark, not copyright that would come into play because it might create a false association between your game and Star Trek in the

Now, if your Klingons were substantially similar in how they were presented that would fall under copyright.

So, in theory, you can have a game with Federation, Klingons, and Romulans, so long the similarity of their use to the copyrighted Star Trek material is not enough to be considered derivative.

No. You could not. You are absolutely incorrect. All CBS or Paramount would need to show is a likelihood that consumers would believe that your game is associated with Star Trek.

Now, if you have both copyright and trademark in hand and someone literally has a Klingon D6, D7 in there movie then copyright, imo, would be the way to go because that's a lot more obvious than trying to prove consumer confusion.

(USPTO has trademark registrations for a lot of the Star Trek games when it comes to Federation, Klingons, Romulans for specific uses in context of those products.)


Yes. That helps perfect the trademark rights.

If they are used inside and never used as the labeling or marking of the product, or misrepresentation, no trademark is violated

This is completely incorrect. I am not sure why you would even think this. The purpose of a trademark is to distinguish your goods and services from someone else's. Your goods and services are connected to the trademark. If someone starts to offer goods and services (in this example, Klingons and Romulans in a video game) and you can show this will likely result in consumer confusion then infringement has occurred.

You trademark a word or symbol with the idea being that you are connecting elements to that word or symbol. That's the whole point.





**STAR CONTROL**  
 Join Date 10/2008

+2

Reply #266


May 12, 2018 12:40:59 AM from

Quoting Frogboy, reply 265

You trademark a word or symbol with the idea being that you are connecting elements to that word or symbol. That's the whole point.

I think this is a fundamental difference in our interpretation. Everything I read comes across as:

You trademark a word or symbol with the idea being that you are connecting a product (e.g. a computer game) to its source (e.g. a company).




**zwabbit**  
 Join Date 08/2009



+26

Reply #267

May 12, 2018 12:44:39 AM from

Your interpretation does not preclude Brad's also being correct.



**Frogboy**  
 Join Date 03/2001  
 Stardock  
  


+1967

Reply #268

May 12, 2018 12:51:27 AM from

Quoting wibblenz, reply 266


Quoting Frogboy, reply 265

You trademark a word or symbol with the idea being that you are connecting elements to that word or symbol. That's the whole point.

I think this is a fundamental difference in our interpretation. Everything I read comes across as:

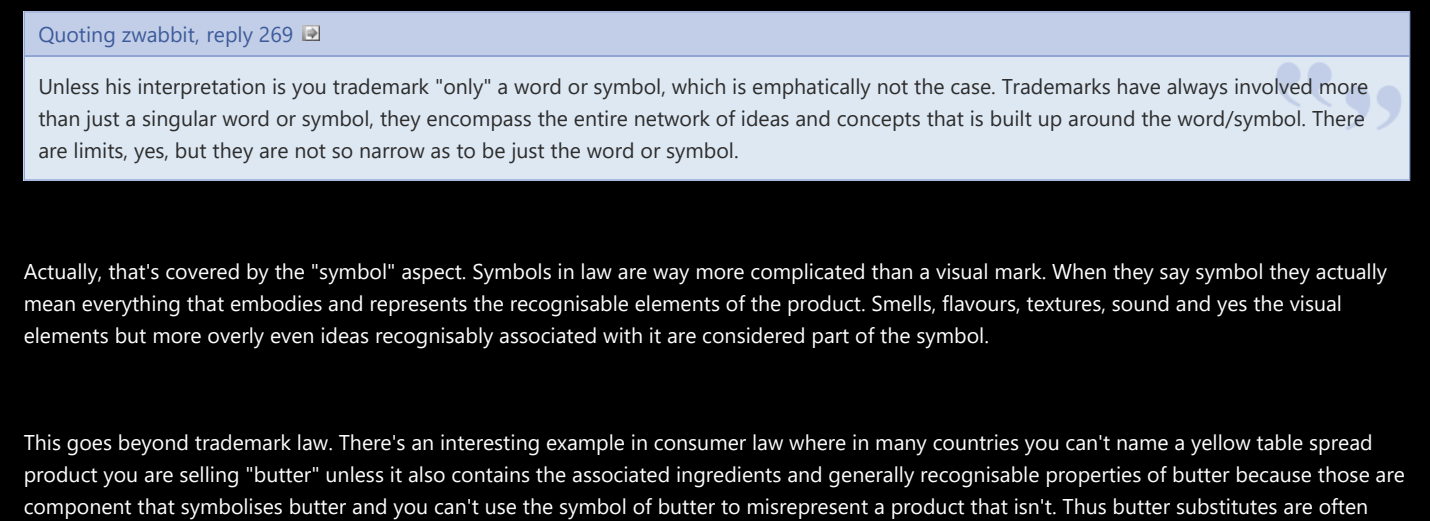
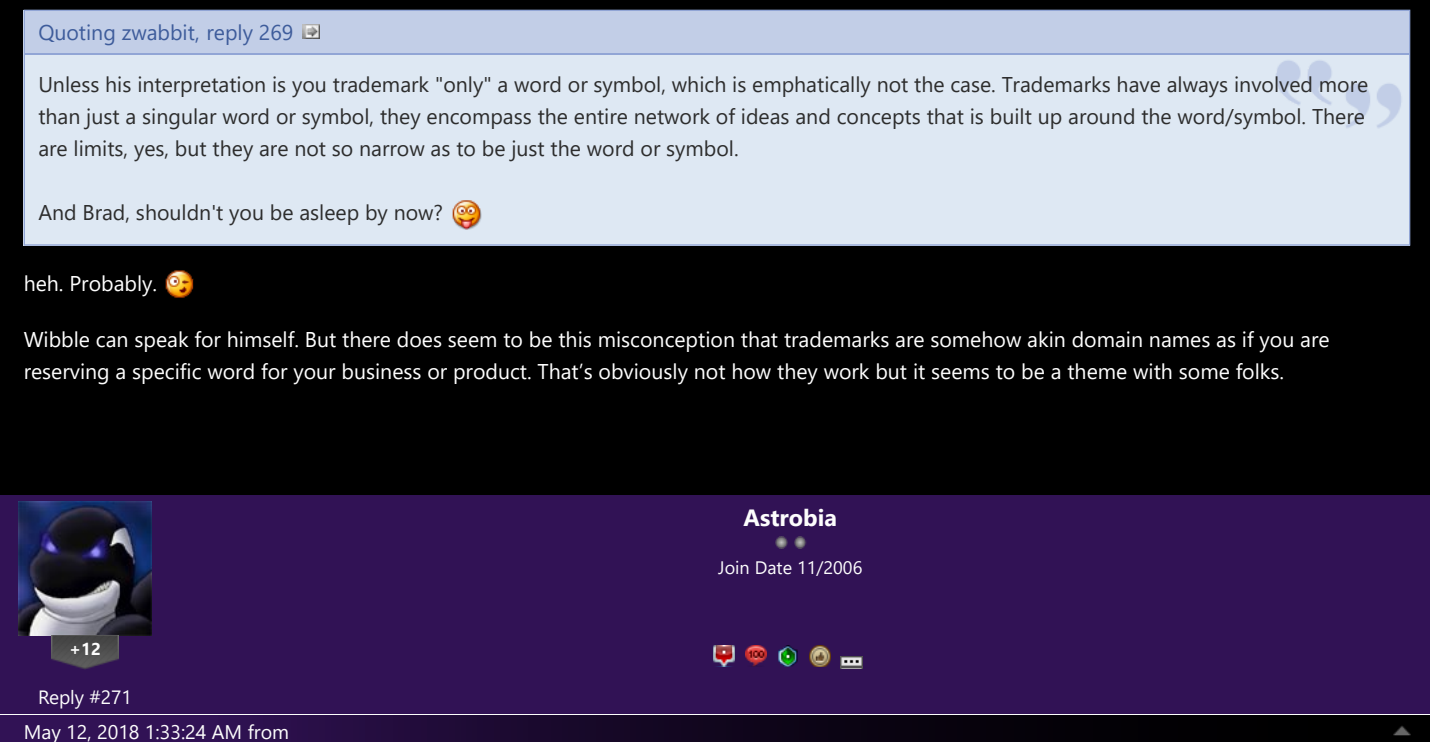
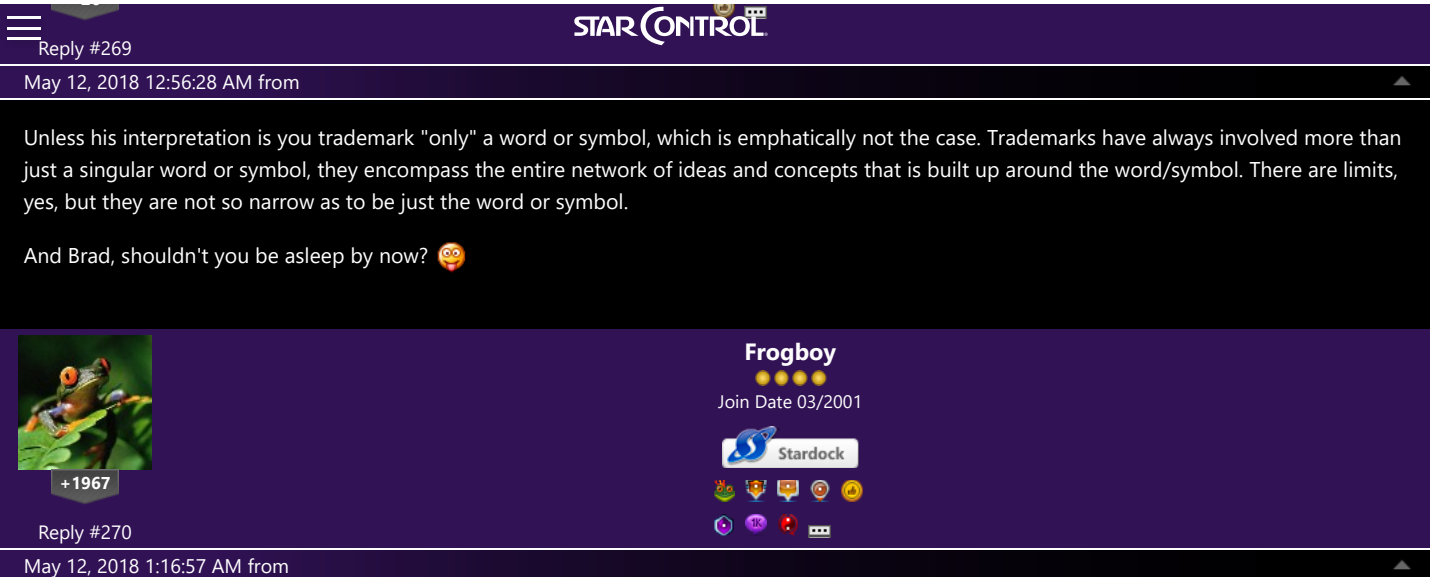
You trademark a word or symbol with the idea being that you are connecting a product (e.g. a computer game) to its source (e.g. a company).

I'm not sure we are disagreeing. You trademark a word or symbol to connect things you want to associate with it. This way, consumers know those specific things originate from you.



**zwabbit**  
 Join Date 08/2009

+26



called table spread instead. This recognised symbol for butter is also what prevents someone from trademarking the word butter. It word belongs to that existing symbol.

STAR CONTROL

Most trademark disputes are over if someone is either using the symbol of your product to misrepresent their own, or someone diluting the symbol of your trademark with a symbol someone could misinterpret as yours. The legal need to defend trademarks is because if your trademark becomes diluted and the symbol comes to be recognised as something other than what you trademarked you lose the trademark to the new symbol. Probably the most dangerous example of this is a company not defending a name when other vendors use it for the same type of product resulting in the name of the product being genericised. The most famous example of this would probably be aspirin. Other fun ones are cellophane, dry ice, kerosine and heroin. 🤔



+2

wibblenz

Join Date 10/2008

Reply #272

May 12, 2018 1:35:25 AM from

Quoting Frogboy, reply 268

I'm not sure we are disagreeing. You trademark a word or symbol to connect things you want to associate with it. This way, consumers know those specific things originate from you.

But it doesn't prevent others putting their mark on an identical product, connecting their version to them.

Can you provide an example of where trademark law (and only trademark law) has been used to protect an 'element' of a product?

Quoting zwabbit, reply 269

Unless his interpretation is you trademark "only" a word or symbol, which is emphatically not the case.

Essentially this is my current interpretation. You state this as incorrect as if it is self-evident, but I can find no examples of trademark infringement cases or articles about trademark that refer to confusion about anything other than the mark itself. Thus my request for articles or examples that contradict my current understanding.



+1967

Frogboy

Join Date 03/2001



Reply #273


May 12, 2018 7:53:36 AM from

Quoting wibblenz, reply 272

Essentially this is my current interpretation. You state this as incorrect as if it is self-evident, but I can find no examples of trademark infringement cases or articles about trademark that refer to confusion about anything other than the mark itself. Thus my request for articles or examples that contradict my current understanding.

It would be a lot quicker for you to just ask an IP attorney than to ask others to Google for specific cases.

Just ask them why can I not have Klingons and Romulans in my game even if I make sure they look and act nothing like they do in Star Trek.




+2

STAR CONTROL

PRHMro

Join Date 04/2018



...

Reply #274

May 12, 2018 10:58:11 AM from

Quoting Frogboy, reply 259 

I've even previously said that PF had common law copyrights on them (because like most people here, I believed their claims).

The way you're wording this implies that Fred and Paul have been lying about their copyrights. But where and how exactly were they lying? If you believed that F&P had personally created all the art, dialogue, and programming code for SC2, then you could have just looked at the credits for the game (or read the interviews and IRC chat logs with F&P and other people who worked on SC2, such as George Barr or Erol Otus). You claim that you have read the IRC logs, at least, and some of them are decades old. So it's hardly a secret that Fred and Paul weren't the only people who worked on SC2, and I don't remember them ever denying that, either (although I do remember some video game magazines making that mistake). I don't want to sound aggressive, but you *do* seem to accuse F&P of lying where I believe no lies have been told.

You also say that you have previously believed that F&P's copyright extended far wider than it really did, and now you know that it doesn't. Does that mean that F&P simply failed to provide the evidence for their copyright so far (but could still provide it later), or is there definitive proof that F&P *do not* own the copyright to something within SC1 or SC2?



Frogboy

Join Date 03/2001



Stardock

+ 1967

Reply #275

May 12, 2018 11:01:34 AM from

I'm not going to discuss that level of detail in ongoing litigation. Suffice to say that what we thought was true 6 months ago, due to the reasons you outlined, and what is actually true are not the same.

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- ▶ New PC Build - Shhh, it's quiet!
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Game Unlock Time On September 20th

Good luck, Stardock!


## STAR CONTROL

### Featured Event



Star Control: Origins - "The Living Universe" Trailer

### Twitch Livestream



### New Events

- ▶ Video: The Triple S League Gets His Star Control: Origins Questions Answered
- ▶ Star Control: Origins - "The Living Universe" Trailer
- ▶ GameSpace.com previews Star Control: Origins!
- ▶ Gaming Trend previews Star Control: Origins!
- ▶ Star Control: Origins preview from eXplorminate!

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- ▶ Everything Else
- ▶ Founders Starbase
- ▶ Galactic Community
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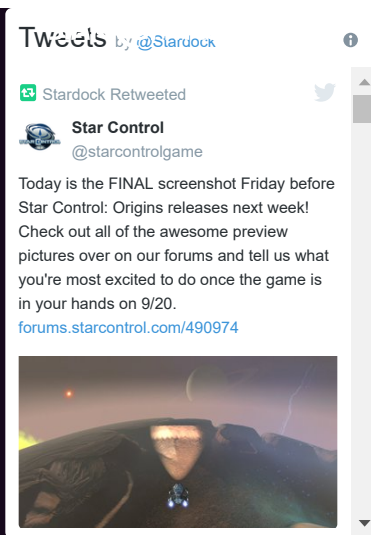
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